UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,989	01/11/2002	Amreesh Agrawal	NAI1P067/01.266.01	1427

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Zilka-Kotab, PC	ALAM, UZMA	
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SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	10/045,989	AGRAWAL ET AL.
	Examiner	Art Unit	
	Uzma Alam	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _11/30/06_.

2a)☐ This action is **FINAL**. .   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1,6-11,16-23 and 25-29_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1,6-11,16-23 and 25-29_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _11 January 2002_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). .

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____ .

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

This action is responsive to the arguments filed November 30, 2006. Claims 1, 6-11, 16-23, 25-29 represent method and apparatus for reporting and analyzing network performance.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 11 and 16-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim(s) 11 and 16-20 are directed to a computer program product for user-configured analysis reporting.. This claimed subject matter lacks a practical application of a judicial exception (law of nature, abstract idea, naturally occurring article/phenomenon) since it fails to produce a useful, concrete and tangible result.

Specifically, the claimed subject matter does not produce a tangible result because the claimed subject matter fails to produce a result that is limited to having real world value rather than a result that may be interpreted to be abstract in nature as, for example, a thought, a computation, or manipulated data. More specifically, the claimed subject matter provides for a computer code in a computer program. This produced result remains in the abstract and, thus, fails to achieve the required status of having real world value.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
> in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
> patent by another filed in the United States before the invention by the applicant for patent, except that an
> international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
> subsection of an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 1-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Kryskow US

Patent Publication No. 2003/0053455. Kryskow teaches the invention as claimed including a

method of measuring bandwidth and reporting the results (see abstract).

4.   As per claim 1, Kryskow teaches a method for user-configured network analysis

reporting, comprising:

(a) identifying a plurality of templates provided based on user input [Figure 2, user input,

pp 0121, 0079, 0081, 0115, 0126, claim 29];

(b) querying a database for network traffic information based on the identified templates

[OSS Mediation applications that interface to the OSS management system and extract key

customer...information, placing it into configurable files withing the bandwidth monitoring

devices 40. this data is usually located in ...repository/databases], paragraph 0068, 0070, Figure

10;

(c) populating the templates with the network traffic information [accumulate monitored

business bandwidth data and translate that data into specific analyzed metrics] pp 0123; and

(d) reporting the network traffic information over a network utilizing the populated templates [utilize real time data collected from modules, pp 0159]

wherein the reporting includes displaying a graphical user interface reflecting the populated templates [display, Figure 4, pp 0065];

wherein the templates are generated based on a plurality of user-configured parameters including network portions to be reported, a format of reporting, or a time period, where the traffic information comes from, what type of traffic information is used, and to what location the network traffic information is written [defining the bandwidth profile, including end-to-end and customer-defined end point and translating them to modeling algorithms, pp 0009-0014, 0019, 0020, 0109-0114].

As per claim 6, Kryskow teaches the method as recited in claim 1, wherein the templates include templates of a first type and templates of a second type (pp 0079, 0123, 0138)

As per claim 7, Kryskow teaches the method as recited in claim 6, wherein the templates of the first type and the templates of the second type differ with respect to a versatility thereof (paragraph 0080, 0081, 0138).

As per claim 8, Kryskow teaches the method as recited in claim 6, wherein the templates of the first type and the templates of the second type differ with respect to a format thereof (paragraph 0080-0081, 0159).

As per claim 9, Kryskow teaches the method as recited in claim 6, wherein the templates of the first type are populated with the network traffic information utilizing a first module (0079-0081).

As per claim 10, Kryskow teaches the method as recited in claim 6, wherein the templates of the second type are 2 populated with the network traffic information utilizing a second module (paragraph 0153-0158).

5.   Claims 11, and 16-21 are rejected with the same logic as claims 1, and 3-10 because they are drawn to a computer program product and system with the same limitations as claim 1-10.

As per claim 22, Kryskow teaches a method for user-configured network analysis reporting,comprising:

(a) determining whether a network analysis reporting system is operating in a report mode or edit mode (user making adjustments, pp 0115, 0121, 0124-0136);

(b) if the network analysis reporting system is operating in the report mode, identifying a plurality of existing templates [Figure 2, user input, pp 0121, 0079, 0081, 0115, 0126, claim 29];

(c) if the network analysis reporting system is operating in the edit mode, creating a plurality of templates based on user input [Figure 2, user input, pp 0121, 0079, 0081, 0115, 0126, claim 29];

(d) querying a database for network traffic information [OSS Mediation applications that interface to the OSS management system and extract key customer...information, placing it into

configurable files withing the bandwidth monitoring devices 40. this data is usually located in

...repository/databases], paragraph 0068, 0070, Figure 10;

(e) populating the templates with the network traffic information [accumulate monitored

business bandwidth data and translate that data into specific analyzed metrics] pp 0123; and

(f) reporting the network traffic information over a network utilizing the populated

templates [utilize real time data collected from modules, pp 0159];

wherein the reporting includes displaying a graphical user interface reflecting the

populated templates [display, Figure 4, pp 0065];

wherein the templates are generated based on a plurality of user-configured parameters selected

from the group consisting of network portions to be reported, a format of reporting, or a time

period (paragraph 0119, [defining the bandwidth profile, including end-to-end and customer-

defined end point and translating them to modeling algorithms, pp 0009-0014, 0019, 0020, 0109-

0114].

As per claim 23, Kryskow teaches a method for user-configured network analysis

reporting, comprising:

(a) displaying an interface (user making adjustments, pp 0115, 0121, 0124-0136);

(b) determining whether the interface is operating in a report mode or edit mode (user

making adjustments, pp 0115, 0121, 0124-0136);

(c) if the interface is operating in the edit mode:

(i) receiving input from a user [Figure 2, user input, pp 0121, 0079, 0081, 0115,

0126, claim 29];

(ii) generating a parameter file based on the input (pp 0125);

(iii) validating the parameter file (0121); and

(iv) storing the parameter file (0157); and

(d) if the interface is operating in the report mode:

(i) identifying a user (0115);

(ii) locating a parameter file (0121); and

(iii) generating a report based on the parameter file by:

1) identifying templates in the parameter file (0125-0136);

2) retrieving templates of a first type from a first module (0136);

3) retrieving templates of a second type from a second module (0136)

4)querying a database [OSS Mediation applications that interface to the OSS

management system and extract key customer...information, placing it into configurable files

withing the bandwidth monitoring devices 40. this data is usually located in

...repository/databases], paragraph 0068, 0070, Figure 10; and

6) populating the templates utilizing network traffic information retrieved

in response to the querying [accumulate monitored business bandwidth data and

translate that data into specific analyzed metrics] pp 0123;

(iv) displaying the populated templates [display, Figure 4, pp 0065];

wherein the templates are generated based on a plurality of user-configured parameters selected

from the group consisting of network portions to be reported, a format of reporting, or a time

period [defining the bandwidth profile, including end-to-end and customer-defined end point and

translating them to modeling algorithms, pp 0009-0014, 0019, 0020, 0109-0114].

As per claim 25, Kryskow teaches the method as recited in claim 1, wherein the reporting

includes a graph displaying error segments for a predetermined period of time (Figure 4, 0079-

0080, Figure 6)

As per claim 26, Kryskow teaches the method as recited in claim 1, wherein the reporting

includes a graph displaying a list of busiest servers for a predetermined period of time (Figure 4,

pp 0079-0080)

As per claim 27, Kryskow teaches the method as recited in claim 1, wherein a plurality of

monitoring agents are utilized to monitor the network traffic information (pp 0064, 0065)

As per claim 28, Kryskow teaches the method as recited in claim 27, wherein the

plurality of monitoring agents write the network traffic information to files which are utilized to

populate the database (pp 0064, 0070)

As per claim 29, Kryskow teaches the method as recited in claim 28, wherein the

database is populated according to a minute time interval (0100-0107)

Response to Arguments

6.   Applicant's arguments filed November 30, 2006 been considered but are moot in view of

the new ground(s) of rejection.

Conclusion

7.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uzma Alam whose telephone number is (571) 272-3995. The examiner can normally be reached on Monday-Tuesday 5:30 AM - 2:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Uzma Alam
Ua
January 30, 2007
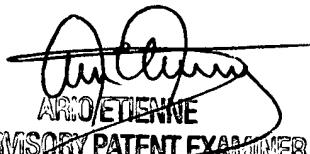
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